

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1996

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Legislative Document

No. 1736

H.P. 1259

House of Representatives, January 25, 1996

**An Act to Amend the Budget Process in Androscoggin County.**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative FITZPATRICK of Durham.  
Cosponsored by Senator: CLEVELAND of Androscoggin.

2           **Mandate preamble.** This measure requires one or more local  
units of government to expand or modify activities so as to  
4           necessitate additional expenditures from local revenues but does  
not provide funding for at least 90% of those expenditures.  
6           Pursuant to the Constitution of Maine, Article IX, Section 21,  
two thirds of all of the members elected to each House have  
determined it necessary to enact this measure.

8  
10           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
12           as emergencies; and

14           **Whereas,** the Androscoggin County budget process is in urgent  
need of revision; and

16           **Whereas,** Androscoggin County government has grown  
tremendously in recent years in terms of size, responsibility and  
18           cost and is currently in need of restructuring; and

20           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
22           Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
24           safety; now, therefore,

26           **Be it enacted by the People of the State of Maine as follows:**

28           **Sec. 1. 30-A MRSA §82, sub-§4, ¶D** is enacted to read:

30           D. The county commissioners of Androscoggin County are  
entitled to receive the salary specified in section 2,  
32           regardless of whether the county has a full-time county  
manager.

34           **Sec. 2. 30-A MRSA §82, sub-§6** is enacted to read:

36           6. Androscoggin County manager required. Notwithstanding  
38           the other provisions of this section, no later than January 1,  
1997, the county commissioners of Androscoggin County shall hire  
40           a full-time county manager who works under their direction to  
oversee the implementation of county policy and the day-to-day  
42           administration of county operations. The appointment,  
compensation and tenure of the manager are the same as provided  
44           for a county administrator pursuant to subsections 1 and 2. The  
manager:

46           A. Is responsible for the administration of all departments  
48           and offices controlled by the county commissioners;

50           B. In conjunction with the county commissioners, department

heads and budget committee, shall develop a proposed county budget for the coming year, which must be presented to the commissioners no later than October 1st;

C. Shall keep the county commissioners and the county legislative delegation informed as to the financial condition of the county and collect all data necessary to prepare for the budget;

D. Shall attend all meetings of the county commissioners, except when the manager's removal or suspension is being considered; and

E. Shall carry out other administrative duties assigned by the commissioners.

Sec. 3. 30-A MRSA §§721 and 723, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are repealed.

Sec. 4. 30-A MRSA §723-A is enacted to read:

**§723-A. Androscoggin County Budget Advisory Committee**

Notwithstanding sections 701 and 702, the county commissioners working in conjunction with the Androscoggin County Budget Advisory Committee, established in this section, and the county manager, established in section 82, subsection 6, are responsible for establishing the county budget as provided in this article. The county commissioners shall appropriate money for county expenditures according to the budget established in accordance with this article.

**1. Membership; caucus; election.** The Androscoggin County Budget Advisory Committee consists of the Androscoggin County commissioners and 9 municipal officers. The county commissioner members serve on the budget committee in an advisory capacity only and may not vote on any committee matter. The municipal officer members are elected in accordance with this section.

A. Three members must be from each commissioner's district.

B. Before August 15th of each year the county commissioners shall notify all municipal officers to caucus by county commissioner district at a specified date, time and place for the purpose of electing members to the budget committee. Public notice of the meeting must be issued at least 10 days before the meeting is held.

C. The commissioner for each district shall serve as the

2           nonvoting moderator for that district caucus. At the  
3           caucus, the municipal officers shall nominate by motion from  
4           the floor proposed members to fill any vacancies on the  
5           budget committee. For each vacancy the nominee receiving  
6           the most votes from among the officers present and voting is  
7           elected as a budget committee member.

8           D. Committee membership terminates when a budget advisory  
9           committee member ceases to be a municipal officer or to  
10           reside in the commissioner district from which elected.  
11           Vacancies occurring on the budget advisory committee must be  
12           filled by the committee, subject to confirmation by a  
13           majority of the county commissioners. If a vacancy occurs  
14           with less than one year remaining in the term of office, the  
15           person selected by the committee serves for the balance of  
16           the unexpired term. If a vacancy of one year or more  
17           occurs, the person selected by the committee serves until  
18           the next municipal officers' caucus. At that time, a  
19           replacement is selected to serve for the balance of the  
20           unexpired term. The person appointed to fill the vacant  
21           office must be a municipal officer in the same commissioner  
22           district as the person vacating the office.

23           **2. Chair; terms; compensation; procedures.** Administration  
24           of the budget advisory committee is as follows.

25           A. The budget advisory committee shall select its own  
26           chair, vice-chair and secretary each year.

27           B. Members serve for 3-year terms and may not serve more  
28           than 2 consecutive terms.

29           C. Members may be compensated. The amount and conditions  
30           must be unanimously approved by the budget advisory  
31           committee and the county commissioners.

32           D. The committee shall adopt rules of procedure and bylaws  
33           each year. In a procedural situation not addressed by these  
34           rules and bylaws, Robert's Rules of Order prevail.

35           E. The county commissioners shall provide the budget  
36           advisory committee with necessary clerical assistance,  
37           office expenses and suitable meeting space, as well as  
38           access to appropriate county files and information.

39           **3. Meetings.** The budget advisory committee shall conduct  
40           its meetings in public in accordance with this subsection and  
41           shall record its minutes and votes.

42           A. The county commissioners shall call an organizational

2 meeting of the budget advisory committee each year within 2  
3 weeks after caucus elections.

4 B. The county commissioners or the chair of the budget  
5 advisory committee may call a meeting for the purpose of  
6 discussing county financial matters and approving a county  
7 budget.

8  
9 **Sec. 5. 30-A MRSA §724**, as amended by PL 1989, c. 104, Pt. C,  
10 §§8 and 10, is repealed.

11 **Sec. 6. 30-A MRSA §725**, as amended by PL 1993, c. 573, §§1  
12 and 2, is repealed.

13 **Sec. 7. 30-A MRSA §725-A** is enacted to read:

14 **§725-A. Budget procedures**

15 **1. Budgetary planning meetings.** During the month of  
16 September, county commissioners shall meet with the county  
17 manager and county department heads to establish county budgetary  
18 needs for the ensuing year. County budget advisory committee  
19 members shall attend these meetings, which must be held in the  
20 county courthouse and must be open to the public.

21 **2. Draft budget.** On or before October 1st, the county  
22 commissioners shall submit a draft budget to the budget advisory  
23 committee.

24 **3. Proposed budget.** The budget advisory committee shall  
25 review the draft budget with the county commissioners at meetings  
26 during the month of October and shall prepare a proposed budget.  
27 The budget advisory committee may increase, decrease or alter the  
28 county commissioners' draft budget as long as:

29 **A.** The budget advisory committee enters into its minutes an  
30 explanation for any suggested change in the estimated  
31 expenditures and revenues initially presented by the county  
32 commissioner; and

33 **B.** In the proposed budget, the total estimated revenue,  
34 together with the amount of county tax to be levied, at  
35 least equals the total estimated expenditures.

36 **4. Public hearings.** Public hearings on the proposed budget  
37 must be held by the budget advisory committee and county  
38 commissioners in each commissioner's district before November  
39 30th. Notice of these hearings must be given at least 10 days  
40 before the hearing in newspapers of general circulation within  
41 the county. Written notice and a copy of the proposed budget  
42 shall be provided to each commissioner.

2 must be sent by mail, or delivered in person, to the clerk of  
3 each municipality in the county. The municipal clerk shall  
4 notify the municipal officials of the receipt of the proposed  
5 budget and the date of the hearings.

6 **5. Adoption of final budget.** After the public hearings are  
7 completed, the budget advisory committee may further increase,  
8 decrease or alter the proposed budget based on information  
9 obtained during the public hearing process. The proposed budget  
10 must be approved by a majority vote of the budget advisory  
11 committee at a duly called meeting no later than December 15th.  
12 The budget advisory committee shall send the approved budget to  
13 the county commissioners. The county commissioners may adopt the  
14 budget as submitted or after increasing, decreasing or altering  
15 the budget by a majority vote by December 31st.

16 **6. Effect of adoption.** Once the budget is finalized as  
17 provided in subsection 5, it is final and not subject to further  
18 action by the county commissioners or the budget advisory  
19 committee.

20 **7. Interim budget.** Until a budget is finally approved, the  
21 county must be operated on an interim budget, which may not  
22 exceed the previous year's budget.

23 **Sec. 8. 30-A MRSA §§726 and 727,** as amended by PL 1989, c.  
24 104, Pt. C, §§8 and 10, are repealed.

25 **Sec. 9. 30-A MRSA §727-A** is enacted to read:

26 **§727-A. Filing of county budget**

27 A copy of the adopted budget must be filed with the State  
28 Auditor on forms approved by the Department of Audit and must be  
29 retained by the State Auditor for 3 years.

30 **Sec. 10. Transition.** Notwithstanding those sections of this  
31 Act that repeal the Maine Revised Statutes, Title 30-A, sections  
32 721 and 723 to 727 and that enact Title 30-A, sections 723-A,  
33 725-A and 727-A, until a county manager is employed by the  
34 Androscoggin County commissioners, an interim budget known as the  
35 "Androscoggin County Budget Committee" has the same powers as the  
36 "Androscoggin County Budget Advisory Committee" and shall  
37 formulate the county budget as provided in this Act. Finalization  
38 of the county budget must follow the procedures  
39 described in Title 30-A, sections 723-A, 725-A and 727-A except  
40 that:

41 1. The approved budget sent to the county commissioners  
42 following the budget committee's December vote is final unless  
43 modified by unanimous vote of the county commissioners; and

2           2. Reference in Title 30-A, sections 723-A, 725-A and 727-A  
4 to the Androscoggin County Budget Advisory Committee must be read  
6 as reference to the Androscoggin County Budget Committee; and  
8 reference to Androscoggin County manager and to Androscoggin  
10 County commissioners and manager must be read as reference to the  
12 county commissioners only.

14           **Sec. 11. Androscoggin County Budget Committee; Budget Advisory**  
16 **Committee terms.** This Act does not terminate the terms of the  
18 current members of the Androscoggin County Budget Advisory  
20 Committee. Members of the Androscoggin County Budget Advisory  
22 Committee on the effective date of this Act continue to hold  
24 office as members of the interim Androscoggin County Budget  
26 Committee or its successor, the Androscoggin County Budget  
28 Advisory Committee, until the term for which they were selected  
30 expires, after which time vacancies must be filled as provided by  
32 this Act.

**Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.

#### STATEMENT OF FACT

          This bill abolishes the current Androscoggin County budget  
committee and replaces it with the Androscoggin County Budget  
Advisory Committee and establishes a position of Androscoggin  
County manager.

          It is patterned after the process established by Cumberland  
County.